IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

Bail Appl..No. 4122 of 2007()

CRIME NO.108/07 OF BADIADKA POLICE STATION, BADIADKAM.

PETITIONER : ACCUSED

S.A.ABOOBACKER,S/O.ABDULLA,
"RIFAYYAH MANZIL" SALUGOLI,KUMBADAJE,
KASARAGOD.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENTS: COMPLAINANT

STATE OF KERALA REP BY INSPECTOR OF
POLICE,BADIADKA POLICE STATION.REP BY
THE PUBLIC PROSECUTOR,ERNAKULAM.

BY P.P. SRI. S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A.NO. 4122 OF 2007

Dated this the 9th day of July, 2007

ORDER

Application for anticipatory bail. The petitioner is the husband of the de facto complainant. The marriage took place on 29/4/04. A child has been born in the wed-lock. There is strain in the matrimonial relationship. The de facto complainant has filed a private complaint which has been referred to the police under Sec.156(3) of the Cr.P.C. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not seriously oppose the said prayer and I am satisfied that directions under Sec.438 of the Cr.P.C. can be issued in favour of the petitioner. In coming to this conclusion, I take note of the submission of the learned

counsel for the petitioner that if the petitioner were arrested and detained in custody, that would mar all possibilities of harmonious settlement of the dispute between the parties. Subject to appropriate conditions, anticipatory bail can be granted to the petitioner, I am satisfied.

3. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 16/7/07. He shall be released on regular bail on his executing a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 17/8/07 and 18/7/07 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months. Subsequently, he shall so make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to

arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender on 16/7/07 as directed in clause (i) above, he shall be released on his executing a bond for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on 16/7/07.

Sd/-

(R. BASANT, JUDGE)

Nan/

//true copy//

P.S. to Judge